

### REMARKS

Claims 1, 3, 10-42, 44, and 51-82 are pending in the application. Claim 57 is hereby amended. Applicant respectfully requests allowance of the claims and consideration of the following remarks.

#### Claim Objections

Claim 57 has been amended to correct any informalities.

#### Rejections Based Upon 35 U.S.C. § 103(a)

Claims 1, 3, 10-11, 13-42, 44, 51-52, and 54-82 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,324,184 (Hou) in view of U.S. Patent No. 5,638,371 (Raychaudhuri et al). Claims 12 and 53 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Hou in view of Raychaudhuri and further in view of U.S. Patent No. 6,226,680 (Boucher). Applicant respectfully traverses the rejections for at least the following reasons.

Independent claim 1 requires, in part, determining if the second communication service has a higher priority than the first communication service. The MAC is then dynamically configured based upon the priorities accorded each service. In contrast, Hou disclose assigning slots in a MAC based upon a user hierarchy, not a service hierarchy. For example, Hou discloses that *the assigned bandwidth for the subscriber units may be determined according to a subscriber unit hierarchy* (Hou, col. 2, lines 44-51). Hou further discloses that *bandwidth can optionally be allocated according to a user hierarchy* (Hou, col. 11, lines 11-12).

A discussion of Raychaudhuri and Boucher is obviated in view of the discussion above distinguishing Hou. Thus, Hou and Raychaudhuri, separately and in combination, fail to teach or suggest all the limitations of claim 1.

Independent claim 42 contains limitations similar to claim 1 and is therefore allowable over the prior art. The dependent claims contain limitations that render them separately allowable over the prior art. However, for the sake of brevity and because the dependent claims depend from allowable independent claims, applicant forgoes such a discussion.

**CONCLUSION**

The claims in their present form are allowable over the art of record. Applicant therefore solicits their allowance. Any fees in addition to those submitted may be charged to deposit account 21-0765.

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